

CARLSMITH BALL LLP
Carlsmith Building, Capitol Hill
P.O. Box 5241
Saipan, MP 96950-5241
Tel No. 670.322.3455

Attorneys for Defendant
Maeda Pacific Corporation

ue
TORRES BROTHERS, P.C.
ATTORNEYS AT LAW
RECEIVED
By: *Victoria*
Date: *2/16/06*
Time: *3:37 P.M.*

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

TOSHIHIRO TAKAHASHI,
Plaintiff,

vs.

MAEDA PACIFIC CORPORATION,
Defendant.

CIVIL ACTION NO. CV 05-0026

DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF

TO: TOSHIHIRO TAKAHASHI

Defendant requests Plaintiff to produce for examination, inspection and copying all documents or items listed herein which are in his possession, custody and control, at the offices of Carlsmith Ball LLP, Carlsmith Building, Capital Hill, Saipan, MP 96950-5241 or some other convenient location mutually agreed upon by the parties, within thirty (30) days of receipt of this request. Pursuant to Rule 34 of the Commonwealth Rules of Civil Procedure, Plaintiff is required to file a written response hereto within thirty (30) days after service of this request.

The following Definitions and Instructions are to be considered applicable to each Request and are hereby incorporated into each of the Requests to which it pertains:

1 4. If you claim a privilege against producing any documents, submit a list describing such
2 documents, including their author or originator, the persons to whom they were directed, their
3 date and who has seen them, and the reasons why you will not produce them.

4 5. This request is a continuing one. If, after producing documents, you obtain or become
5 aware of any further documents responsive to this request, you are required to produce to
6 Defendants such additional documents.
7

8 **DOCUMENTS TO BE PRODUCED**

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10 **REQUEST FOR PRODUCTION NO. 1:**

11 Copies of reports of doctors, medical practitioners and health care providers related to the
12 examination, care and treatment of Plaintiff for any injury he sustained in the accident which is
13 the subject of this lawsuit.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

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18 **REQUEST FOR PRODUCTION NO. 2:**

19 Copies of medical bills for the care and treatment of Plaintiff which were incurred as a
20 result of the accident in question, including but not limited to expenses for medical advise,
21 treatment, x-rays, pharmaceuticals, and mental anguish.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

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26 **REQUEST FOR PRODUCTION NO. 3:**

27 Copies of any statements made by any person to you, your agents or attorneys related to
28

1 the accident in question.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

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6 **REQUEST FOR PRODUCTION NO. 4:**

7 Copies of any statements made by you to anyone other than your attorneys related to the
8 accident in question.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

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13 **REQUEST FOR PRODUCTION NO. 5:**

14 Copies of any reports prepared at your request or at the request of anyone acting on your
15 behalf related to how the accident occurred.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

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20 **REQUEST FOR PRODUCTION NO. 6:**

21 Copies of any photographs, video tapes, still or motion pictures prepared at your request
22 or on your behalf which are in any manner related to the accident.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

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27 **REQUEST FOR PRODUCTION NO. 7:**

28 A copy of your CNMI Income Tax Returns for the years 2003, 2004 and 2005.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

5 **REQUEST FOR PRODUCTION NO. 8:**

6 A copy of all documents referred to in preparation of your answers to Defendant's First
7 Set of Interrogatories to Plaintiff and your supplemental responses to such interrogatories.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

12 **REQUEST FOR PRODUCTION NO. 9:**

13 A copy of all documents which support Plaintiff's claim of financial loss.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

18 **REQUEST FOR PRODUCTION NO. 10:**

19 A copy of all documents which support Plaintiff's claim of lost income as referred to in
20 Plaintiff's answer to Interrogatory No. 33 of Defendant's First Set of Interrogatories to Plaintiff.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

25 **REQUEST FOR PRODUCTION NO. 11:**

26 A copy of all documents which support Plaintiff's claim of loss of future earnings and/or
27 diminished earning capacity as referred to in Plaintiff's answer to Interrogatory No. 34 of
28 Defendant's First Set of Interrogatory to Plaintiff.

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VICTORINO DLG. TORRES, ESQ.
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Attorneys for Plaintiff

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**PLAINTIFF'S RESPONSE TO
DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

Plaintiff hereby provides the following:

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

The documents have been provided. Should there be additional documents, they will be provided as they become available.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

The documents have been provided. All the documents which are in the custody of Plaintiff has been provided. Should there be additional documents, they will be provided as they become available.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

There is no documents in Plaintiff's possession. Should there be documents they will be provided as they become available.



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

2 There is no documents in Plaintiff's possession. Should there be documents they will be
3 provided as they become available.

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5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

6 There is no documents in Plaintiff's possession. Should there be documents they will be
7 provided as they become available.

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9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

10 Photographs have been provided. There are no other documents pertaining to this
11 request.

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13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

14 Copies are provided herewith.

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16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

17 Objection as to work product and mental impression of attorney. In the spirit of
18 cooperation, there are no additional documents that have not been provided which were use in
19 preparation to responses to Defendant's First Set of Interrogatories.

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21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

22 Objection as to vagueness of the request. In the spirit of cooperation, there are no
23 additional documents, at this time, which have not been provided which supports Plaintiff's
24 claim of financial loss.

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26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

27 This request is vague and confusing. Plaintiff is not an employee but a businessman. The
28 income tax should be indicative of his earnings. Should there be additional documents that

1 support the responses, they will be provided. At this time, there is not that is specific to this
2 request.

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4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

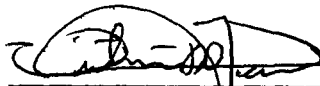
5 This request is vague and over broad. The medical records are documents as well as
6 income taxes. There is no document which calculates Plaintiff's loss of future earnings or
7 diminished earning capacity other than the implication and inferences of the medical records and
8 income taxes and other documents which have been provided.

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10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

11 The income taxes is provided herewith. Should there be additional documents which
12 support his earnings, a supplemental response will be provided.

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14 TORRES BROTHERS, LLC.

15 Dated: 04/11/2006.

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VICTORINO D.G. TORRES
Attorney for Plaintiff
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ACKNOWLEDGMENT

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Toshihiro Takahashi, being first duly sworn on oath, deposes and says that he has read the foregoing responses to request for production and that the same are true to the best of his knowledge.

Dated: 4/11/06, 2006

T. Takahashi

TOSHIHIRO TAKAHASHI



Subscribed and sworn to before me this 11 day of April, 2006.

[Signature]
Notary Public
My Commission expires: _____

RALPH DLG. TORRES
Notary Public
Commonwealth of the Northern Mariana Islands
My Commission Expires: April, 2007
P.O. Box 501856
Saipan, MP 96950

INTERPRETER

I _____ is the interpreter, Japanese-English, and have fully interpreted all of the questions and responses above to Mr. Toshihiro Takahashi.

Interpreter: _____ Date: _____
Signature

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ORDER CONTINUING SETTLEMENT
CONFERENCE

Now on this 22nd day of March, 2006 a Settlement Conference is conducted by the Court. Plaintiff appears by Victorino DLG. Torres, his attorney. Defendant appears by John D. Osborn of Carlsmith Ball LLP, his attorneys.

Whereupon the Court and counsel engage in discussions relative to a possible non-trial disposition of the case. The Court after participating in discussions with counsel determines that the Settlement Conference shall be continued until April 13, 2006 at 10:00 a.m.

The Court further finds that:

1. Plaintiff shall furnish to Defendant's counsel Plaintiff's Japanese medical records with an English translation by April 1, 2006.



2. Plaintiff will furnish to Defendant's counsel the addresses of those individuals identified in Plaintiff's Supplemental Answers to Interrogatories, Interrogatory No. 42, by Friday, March 24, 2006.

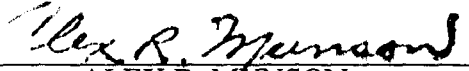
3. Plaintiff shall furnish to Defendant's counsel Plaintiff's response to Defendant's First Request for Production of Documents to Plaintiff no later than April 1, 2006.

4. Defendant's counsel shall review Defendant's answer to Interrogatory No. 2 of Plaintiff's First Set of Interrogatories to Defendant Maeda Pacific Corporation with regard to statements of Keith Ada and will supplement said answer if required to do so by April 1, 2006.

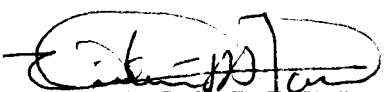
IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED and
DECREED that the findings of the Court set forth above shall and hereby ^{are} the orders of the Court.

IT IS SO ORDERED.

DATED: Saipan, MP, March 22, 2006.


ALEX R. MUNSON
Judge

APPROVED AS TO FORM:


VICTORINO DLG. TORRES


JOHN D. OSBORN

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DECLARATION OF JOHN D. OSBORN

I, John D. Osborn, do declare:

1. I am a partner in the Saipan office of Carlsmith Ball LLP, attorneys for Defendant Maeda Pacific Corporation. I have personal knowledge of the matters stated herein and would be competent to testify to same if called upon to do so.

2. Attached hereto marked respectively as Exhibits A-F are true and correct copy of the following documents:

Exhibit A: Defendant's First Set of Interrogatories to Plaintiff

Exhibit A1: Plaintiff's Response to Defendant's First Set of Interrogatories

Exhibit B: Letter dated November 2, 2005

Exhibit C: Letter dated November 10, 2005

1 Exhibit D: Plaintiff's Supplemental Responses to Defendant's First
2 Set of Interrogatories

3 Exhibit E: Defendant's First Request For Production of Documents to
4 Plaintiff

5 Exhibit E1: Plaintiff's Response to Defendant's First Request For
6 Production of Documents

7 Exhibit F: Court Order of March 26, 2006.

8 This declaration is made under penalty of perjury of the laws of the United States on
9 Saipan, Commonwealth of the Northern Mariana Islands this 16th day of May, 2006.

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13 JOHN D. OSBORN